



Paper No. 14

PHILIPS ELECTRONICS NORTH AMERICAN CORPORATION
1251 AVENUE OF THE AMERICAS
NEW YORK, NY 10020-1104

COPY MAILED

APR 04 2002

OFFICE OF PETITIONS

In re Application of
Reagan, et al.
Application No.: 09/322,259
Filed: May 28, 1999
Attorney Docket No. PHA 51214 (new)/
VLSI-3410 (former)
FOR: IMPROVED VOCODER METHOD

:
:
: DECISION GRANTING
: PETITION
:
:

This is a decision on the petition entitled "PETITION TO SECURE FILING DATE AS OF MAILING DATE VIA EXPRESS MAIL," filed January 22, 2002 (certificate of mailing date December 28, 2001), requesting that the above-identified application be accorded a filing date of May 28, 1999, instead of the presently accorded date of May 28, 1998. The petition will be treated under 37 CFR 1.10(c).

Petitioners allege that the application was deposited in "Express Mail" service with the U. S. Postal Service, on May 28, 1999. In support, petitioners provided a copy of the Express Mail label, receipt no. EI214993063, showing a Date-In of May 28, 1999. The same Express Mail receipt number was referred to in the original Application Transmittal Letter submitted with the initial filing. Petitioners request that the application be accorded a filing date of May 28, 1999.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on May 28, 1999.

In view of the above, the petition is granted.


Pursuant to petitioners' authorization, deposit account no. 23-0085 will be credited the \$130.00 petition fee.

A courtesy copy of this decision will be mailed to the former attorney of record who filed the instant petition.

The application will be returned to the Office of Initial Patent Examination for correction of Office records to show that the filing date of the instant application is May 28, 1999 and mailing of a corrected filing receipt.

Thereafter, the application will be returned to Technology Center 2600 for consideration of the Amendment filed March 6, 2002 (certificate of mailing date February 25, 2002).

Telephone inquiries concerning this matter should be directed to the undersigned at (703)308-6712.



E. Shirene Willis
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: WAGNER, MURABITO & HAO, LLP
TWO NORTH MARKET STREET, THIRD FLOOR
SAN JOSE, CA 95113